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3 University of Nevada
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9 *Attorney for Defendants*

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 LANE GROW,

No.: 3:07-CV-00105-LRH-RAM

13 Plaintiff,

14 vs.

**SUPPLEMENT TO REPLY IN SUPPORT
OF RENEWED MOTION FOR SUMMARY
JUDGMENT, Doc. #133**

15 ADAM GARCIA, an individual, TODD
16 RENWICK, an individual, KEVIN
17 YOUNGFLESH, an individual, ED RINNE,
18 an individual,

19 Defendants.
20 _____/

21 Defendants Adam Garcia, Todd Renwick, and Ed Rinne, by and through their
22 counsel, Frank H. Roberts, UNR Assistant General Counsel, hereby submit their
23 SUPPLEMENT TO REPLY IN SUPPORT OF RENEWED MOTION FOR SUMMARY
24 JUDGEMENT, Doc. #133. (Dockets #176 and #177).

25 Attached hereto are signed and notarized copies of **Exhibit 2**, the affidavit and
26 decision of the Nevada State Personnel Commission Hearing Officer, attorney Jay Short,
27 and **Exhibit 4**, the affidavit of Todd Renwick. Also attached as **Exhibit 7** is the Affidavit
28 of Kevin Youngflesh, which also responds to Plaintiff Grow's Exhibit 15 to Doc #159, his
opposition to renewed motion for summary judgment.

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DATED this 27th day of April, 2010.

/s/ Frank Roberts
Assistant General Counsel
University of Nevada
Nevada Bar No. 914
1664 N. Virginia Street/MS 550
Reno, Nevada 89557-0550
(775) 784-3495
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Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Nevada System of Higher Education, over the age of eighteen years, that I am not a party to the within action, and that on the 27th day of April, 2010, a copy of SUPPLEMENT TO REPLY IN SUPPORT OF RENEWED MOTION FOR SUMMARY JUDGMENT, Doc. #133, was delivered by electronic service to the following address by filing same in the Court's CM/ECF electronic filing service:

MARIE MIRCH, ESQ.
444 WEST C STREET, SUITE 320
SAN DIEGO, CA. 92101
2610 BEAUMONT PKWY
RENO, NV 89523

/s/ Joan Howard
Employee of the University of
Nevada, Reno of the Nevada
System of Higher Education

EXHIBIT 2

EXHIBIT 2

1 FRANK H. ROBERTS
2 Assistant General Counsel
3 University of Nevada, Reno
4 Nevada Bar No. 914
5 1664 N. Virginia St., M/S 550
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9 *Attorneys for Defendants*

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 *****

13 LANE GROW,

No.: 3:07-CV-00105-LRH-RAM

14 Plaintiff,

AFFIDAVIT OF FRANCIS JAY
SHORT

15 vs.

16 ADAM GARCIA, an individual, TODD
17 RENWICK, an individual, KEVIN
18 YOUNGFLESH, an individual, ED RINNE,
19 an individual,

20 Defendants.

21 _____ /
22
23 STATE OF NEVADA

ss.

24 COUNTY OF WASHOE

25 I, Francis Jay Short, do hereby swear under penalty of perjury that the assertions of
26 this affidavit are true and assert as follows:

1. I am a Hearing Officer for the Nevada State Personnel Commission.

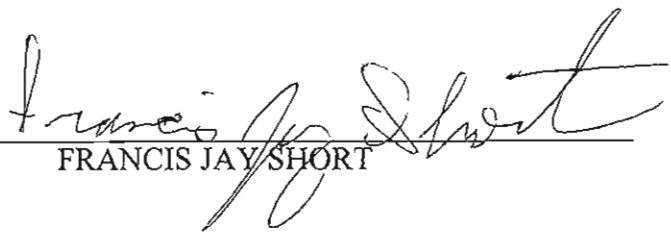
2. Attached hereto is Exhibit 2 to Defendants' Reply in Support of Renewed Motion
for Summary Judgment in this action. Exhibit 2 is a true and correct copy of the Findings

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4 of Fact, Conclusions of Law and Decision in Case No. CC-03-08-JS which I prepared and signed
5 on November 25, 2008, following the hearing on Petitioner-Employee, Lane Grow's first of five
6 Whistleblower complaints against Respondent-Employer, the University of Nevada, Reno Police
7 Services. This document is regularly filed and recorded by the Nevada State Personnel
8 Commission.

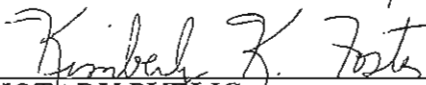
9 FURTHER AFFIANT SAYETH NAUGHT.

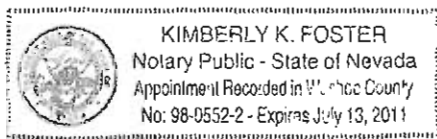
10 DATED this 22nd day of April, 2010.

11
12
13 
FRANCIS JAY SHORT

14 State of Nevada
County of Washoe

15 SUBSCRIBED and SWORN to before me,
16 this 22nd day of April, 2010, by "x Francis Jay Short. x"

17 
18 NOTARY PUBLIC



BEFORE THE NEVADA STATE PERSONNEL COMMISSION
HEARING OFFICER

Lane Grow,

Petitioner-Employee,

vs.

Case No. CC-03-08-JS

**STATE OF NEVADA, ex rel.
NEVADA SYSTEM OF HIGHER
EDUCATION ON BEHALF OF
THE UNIVERSITY OF NEVADA,
RENO,**

Respondent-Employer.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

This matter came before the undersigned Hearings Officer on October 9, 2008. The Petitioner-Employee was present and represented by Jeffrey Dickerson, Attorney at Law. The Respondent-Employer was represented by Frank Roberts, Nevada Deputy Attorney General.

The undersigned Administrative Hearing Officer having heard and considered the testimony and evidence admitted, as well as the arguments of the parties, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

I. FINDINGS OF FACT.

Petitioner/Employer Lane Grow is employed by the Respondent/Employer University of Nevada, Reno Police Department (UNRPD). In May and June 2007, Officer (then Sergeant) Grow filed three complaints pursuant to NRS 281.641, the

1 Nevada Whistleblower Law. The second and third complaints were dismissed in
2 their entirety by the previous Nevada Personnel Commission Hearing Officer in an
3 Order dated November 27, 2007.

4 The first complaint, filed on May 14, 2007, alleged retaliation against the
5 Petitioner, in violation of NRS 281.641, for filing a federal age discrimination suit
6 against the Department on March 4, 2007.

7 In oral testimony before the Hearing Officer on October 9, 2008, the Petitioner
8 alleged that in May 2007, he and three other complainants from UNR went to the
9 Nevada Attorney General's Office in Carson City to initiate a corruption
10 investigation against UNRPD. Petitioner maintained that this action constituted a
11 separate protected activity entitled to protection under NRS 281.641. The Petitioner
12 was unable to provide any documentation verifying an in person meeting with the
13 Attorney General's Office. Counsel for the Respondent contacted the Attorney
14 General's Office and was informed, based upon a review of the Attorney General
15 Catherine Cortez Masto's calendar, that the meeting took place on April 17, 2008,
16 11 months after the filing of Petitioner's whistleblower complaint. A printout from
17 the Attorney General's calendar was admitted, without objection, as Exhibit 7. An
18 Investigatory Report from the Nevada Attorney General's Office establishing that the
19 investigation was initiated in April, 2008, was admitted as Exhibit 8.

20 The first Complaint was partially dismissed in the November 27, 2007, Order.
21 In that Order, the previous Hearing Office ruled that the Complaint should proceed
22 to hearing on the sole issue of whether the Respondent retaliated against the
23 Petitioner by preventing him from bidding on shift assignments with the other shift
24 sergeants at the UNR Police Department.

25 Prior to the Hearing Set for October 9, 2008, the Respondent filed a Motion to
26 exclude the testimony of certain witnesses who were not identified at a discovery
27 conference held in January 2008. The Motion was overruled because the Hearing
28 Officer believed that the testimony of the witnesses in question would be beneficial

1 to an understanding of past pattern and practice regarding the shift bidding process
2 at UNRPD and whether shift bidding was used to punish or reward individual
3 officers. The Hearing Officer believed that the presence and availability of the
4 UNRPD command staff at the hearing would allow Respondent the opportunity to
5 adequately rebut the testimony of the additional witnesses.

6 Prior to testimony it was established that the positions of Sergeant and
7 Lieutenant in the UNRPD were eliminated in a "flattening" of the command
8 structure that occurred in July of 2008. This restructuring is the subject of a
9 separate complaint pursuant to NRS 281.641(1), Case No. CC-22-08-JS, alleging that
10 the flattening of the Department was retaliatory against Officer Grow. Counsel for
11 the Petitioner made an oral motion to consolidate that matter with the current one.
12 Counsel argued that the elimination of the sergeants positions would make any relief
13 granted in the present matter a mute point. Respondent opposed this motion. The
14 Hearing officer reserved ruling on the motion pending presentation of the evidence
15 in the present case and a review of the file in the other matter.

16 Based upon the testimony presented on October 9, 2008, and the Hearing
17 Officer's review of the file in Case No. CC-08-22-JS, the motion to consolidate is
18 hereby denied as inappropriate for consolidation with the current matter.

19 UNRPD General Order 09-001, effective March 11, 2002 and revised effective
20 August 1, 2004, was admitted as Exhibit 1. This Order establishes that at the time
21 the alleged retaliation took place, the UNR Police was providing patrol coverage of
22 the University campus using three shifts. A sergeant was assigned to each shift.
23 General Order 09-001 states that departmental policy at the time in question was
24 that shift sergeants were administratively assigned by the patrol lieutenant and that
25 the shifts rotated every six months.

26 A subsequent revision of General Order 09-100, effective May 22, 2007, was
27 admitted as Exhibit 2. This revision of the Order, in Section IV C, granted the
28 Department's Operation Lieutenant discretion to allow shift bidding among

1 sergeants.

2 Officers Victor Garcia, Charles Hopps and Trent Eddings testified that prior
3 to the end of 2007 (and prior to the elimination of the sergeants positions) they
4 believed, based upon conversations with the then sergeants, that the three shift
5 sergeants were allowed to bid on their shift preference based upon seniority.

6 Investigator David Osowski testified that he was a shift sergeant at UNRPD
7 prior to the flattening of the department. He testified that initially during his tenure
8 as a sergeant the departments' sergeants bid on shift preference based on seniority.
9 At some point (he was uncertain) the policy was changed to a mandatory rotation.
10 He testified that in the Spring of 2007 the descending seniority order among the
11 sergeants was Grow, himself, Conley then Gibson.

12 Investigator Osowski denied the allegation contained in Petitioner's Complaint
13 that the July 1, 2007, rotation had been altered to grant him a shift preference. He
14 denied asking for any specific shift. He did acknowledge that his July 1, 2007, shift
15 assignment changed 4 to 6 times in a two week period in May 2007 prior to the final
16 assignment.

17 Investigator Osowski testified to a disagreement between Sergeant Conley and
18 himself regarding who was senior. Conley was previously promoted to lieutenant
19 then demoted back to sergeant. The argument was over whether Conley's seniority
20 date should run from his initial date of promotion to sergeant (prior to being
21 elevated to lieutenant) or from his demotion date.

22 Shift schedules were released every six months on January first and July first.
23 Exhibit 3 was introduced. This document is a copy of an e-mail from Investigator
24 Osowski to (then) Lieutenant Edward Rinne dated January 11, 2008, regarding the
25 July 2007 shift bid. The e-mail contains the following statement:

26 I was originally scheduled to be on Grave with Sgt Grow . . . Some sort
27 of issue came up with the other Sergeants (I seem to remember somebody
28 did not want Dayshift, the shift I was coming off of). I got tied of it and
asked you at one point, that to get through whatever was going on; I
would bite the bullet and do another rotation on days. This came up at

1 a supervisor meeting and the Director was adamant that we would all be
2 rotating.

3 Investigator Osowski stated his opinion that all of the sergeants were treated the
4 same and rotated in the same manner since implementation of the mandatory
5 rotation in July 2007. He testified that he was unaware of any instance, prior to the
6 implementation of the strict rotation policy in July 2007, where command had
7 overruled the stated shift preference agreed to among the sergeants.

8 Officer Grow testified he was promoted to sergeant in 1998 and demoted to
9 officer as part of the departmental flattening effective July 2008. He testified to the
10 prior policy of permitting the sergeants to shift bid based upon seniority. He
11 testified that he bid for and received swing shift for January 2007. He testified to an
12 effort by the sergeants to get Director Garcia to formalize this policy but that Garcia
13 refused, stating that he would never put it in writing. He further testified that the
14 sergeants attempted to bid on their shifts for July 2007. They put together an
15 agreement that was presented to Director Garcia. The Director refused to honor the
16 agreement and informed them that everyone would be administratively assigned.

17 Officer Grow testified that he filed a complaint on May 4, 2007, alleging
18 corruption in UNRPD with the Nevada Attorney General's Office, the Las Vegas
19 F.B.I and the U.S. Attorney's office in Las Vegas. He testified to his belief that the
20 change in the Department's shift bidding policy was taken in retaliation for these
21 actions, in violation of NRS 281.641.

22 On cross-examination Officer Grow testified that he did not know if all of the
23 sergeants were administratively assigned. He contradicted Officer Osowski
24 recollection by stating that Osowski informed him that his (Osowski's) shift
25 preference had been granted. He testified that other sergeants who were denied
26 their shift preference in the July 2007 rotation were also unhappy. He testified that
27 the shift assignments made by (then) Lieutenant Rinne were subject to frequent
28 changes prior to being finalized.

1 A sworn deposition of Sergeant Marc Conley, taken in Officer Grow's federal
2 age discrimination suit against the Department on December 12, 2007, was admitted
3 as Exhibit 6. In the deposition, then Sergeant Conley testified that the shift bidding
4 policy was changed by Lieutenant Kevin Youngflesh. He confirmed that there was
5 a General Order that was not being enforced, but that the lieutenants allowed shift
6 bidding.

7 Commander Todd Renwick testified that he was formerly Assistant Director of
8 UNRPD from December 2002 through the end of 2006. He confirmed that during
9 this period he made the decision to allow sergeants to shift bid as a convenience to
10 them. He testified that in November or December 2006, the decision was made by
11 Director Garcia to return to the literal language of General Order 09-001. He
12 testified that the decision was motivated by the seniority dispute between (then)
13 Sergeants Osowski and Conley. The dispute came to the Director's attention because
14 Sergeants Osowski and Conley had gone to the UNR Personnel Office to resolve the
15 dispute and the personnel office had contacted the Director regarding how seniority
16 issues should be resolved following a demotion.

17 Commander Renwick testified that he was questioned by Director Garcia
18 regarding the assignment of sergeants and that the Director wanted to know why
19 General Order 09-001 was not being followed. He stated that, prior to this point,
20 the Director had never participated in making shift assignments for the sergeants.
21 He stated that there was no written directive to return to the general order.
22 Commander Renwick denied that the decision to return to strict enforcement of
23 General Order 09-001 had anything to do with the filing of Petitioner's federal
24 lawsuit.

25 Commander Renwick stated that at a meeting in November or December of
26 2006, it was communicated to the then sergeants, including Petitioner and Sergeant
27 Osowski, that they would be allowed to retain their previously expressed preferences
28 for the January 2007 rotation, but that thereafter the General Order would be

1 strictly enforced and that everyone would rotate shifts clockwise.

2 Commander Renwick testified that since the return to strict implementation of
3 General Order 09-001, effective July 1, 2007, all rotations have been in the same
4 direction and that, in his opinion, all of the (then) shift sergeants (Grow, Osowski
5 and Conley) were treated fairly.

6 Director Adam Garcia denied that his actions in implementing strict
7 enforcement of General Order 09-001 were taken in retaliation for the filing of
8 Petitioner's complaints. He testified that he first learned from Assistant Director
9 Renwick that the sergeants were shift bidding in late 2006. The subject came up in
10 the context of the argument between Sergeants Osowski and Conley regarding
11 seniority. He confirmed that the shift preferences for January 2007 would be
12 allowed to stand, but that the General Order would be strictly enforced thereafter.
13 He testified that the change was communicated to the sergeants at a staff meeting
14 and that no one filed a grievance to protest the change.

15 In response to Director Garcia's request, Assistant Director Renwick and
16 Lieutenant Ed Rinne developed a clockwise "wheel rotation" for the shift sergeants.
17 The shift wheel was used three times prior to the flattening of the department
18 effective July 2008. A diagram showing the wheel rotations of Sergeants Grow,
19 Osowski and Conley for January 1, 2007, July 1, 2007 and January 1, 2008 was
20 admitted as Exhibit 14. Staffing sheets showing the assignment of all UNRPD patrol
21 officers for the same three shifts were admitted as Exhibits 11 through 12. Director
22 Garcia denied that any exceptions were made among the three sergeants during the
23 two instances when the wheel turned on July 1, 2007 and January 1, 2008.

24 Director Garcia testified that he first learned of Petitioner's complaint with the
25 Attorney General's Office in April 2008, nearly one year after the filing of the
26 Petitioner's whistleblower complaint and nearly a year and a half after the decision
27 to revoke shift bidding by the sergeants.

28 Commander Edward Rinne testified to his knowledge of General Order 09-001

1 and the revocation of the shift bidding preference in November or December 2006.
2 He testified that the revocation was prompted by the dispute between Sergeants
3 Osowski and Conley. He confirmed that the sergeants were informed of this decision
4 at a staff meeting in November or December of 2006. He testified to his familiarity
5 with the operation of the sergeants' shift rotation wheel on July 1, 2007 and January
6 1, 2008. He also denied that any alterations in the wheel rotation were made to
7 accommodate the shift preference of a particular sergeant. He denied that the
8 return to General Order 09-001 and implementation of the wheel was done in
9 retaliation for the filing of Petitioner's complaint.

10 At the conclusion of evidence, counsel for the Petitioner withdrew the allegation
11 that his client was retaliated against for initiating a corruption investigation with the
12 Nevada Attorney General's Office, leaving the filing of the March 4, 2007 federal
13 age discrimination suit as the only protected action for purposes of the whistleblower
14 complaint filed pursuant to NRS 281.641.

15 At the conclusion of evidence, the Hearing officer stated his intention to reserve
16 ruling on the matter until the conclusion of the Hearing in Case No. CC-22-08-JS.
17 This determination was rescinded after further review of the file in Case No. CC-08-
18 22-JS and communicated to a letter to counsel for the parties dated October 14,
19 2008.

20 II. CONCLUSIONS OF LAW.

21 The EMPLOYEE'S appeal to the undersigned Administrative Hearing Officer
22 of the State of Nevada Personnel Commission was timely filed and the determination
23 of the merits of the appeal is properly within the jurisdiction, pursuant to NRS
24 281.641 and NAC 281.305, of the undersigned Administrative Hearing Officer.

25 In this case, the substantial, reliable and probative evidence establishes that the
26 decision to eliminate shift bidding by the sergeants was not taken in retaliation for
27 the filing of Petitioner's complaint. Multiple witnesses testified that the decision to
28 eliminate shift bidding was made prior to the filing of Petitioner's age discrimination

1 complaint on March 4, 2007. It was credibly established that the decision to
2 eliminate the sergeants' shift bidding was motivated by a dispute between (then)
3 Sergeants Osowski and Conley that had nothing to do with (then) Sergeant Grow.

4 The evidence further establishes that there was an existing General Order (09-
5 001) that was not being adhered to. The Director was within his authority in
6 returning to a strict implementation of this order. The evidenced further establishes
7 all of the shift sergeants were treated equally and fairly after the return to strict
8 interpretation of General Order 09-001 and the implementation of the shift rotation
9 wheel. On the two occasions when the shift wheel turned, prior to the flattening of
10 the Department, all three of the shift sergeants were rotated in turn.

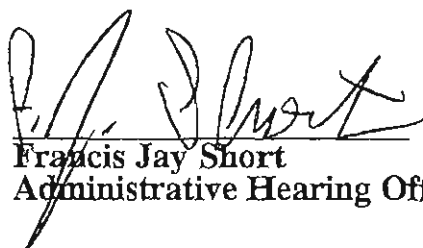
11 Accordingly, Petitioner has failed to meet his burden of establishing that an
12 action was taken by UNRPD in reprisal or retaliation for the filing of his federal
13 action.

14 III. DECISION.

15 Based upon the foregoing Findings of Fact and Conclusions of Law, and good
16 cause appearing Petitioner's Complaint filed pursuant to NRS 281.641 is hereby
17 dismissed.

18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

19 DATED this 25th day of November, 2008.

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22 Francis Jay Short
23 Administrative Hearing Officer
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CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP 5(b) I hereby certify that I have, on this date deposited for mailing at Reno, Nevada, postage prepaid, a true and correct copy of the Findings of Fact, Conclusions of Law and Decision to the following parties:

Mr. Jeffrey Dickerson, Esq.
9655 Gateway Drive
Reno, Nevada 89512

Mr. Frank Roberts, Esq.
Assistant General Counsel
Nevada System of Higher Education
2601 Enterprise Road
Reno, Nevada 89512

Mr. Milton Glick, President
University of Nevada
Clark Administration
Mail Stop 001
Reno, Nevada 89557

Ms. Deborah Olson, Director of Human Resources
University of Nevada
70 Artemesia Building, Room 2
Mail Stop 240
Reno, Nevada 89557-0055

Mr. Adam Garcia, Director
University Police Services
1664 N. Virginia Street
Mail Stop 0250
Reno, Nevada 89557-0042

Mr. Ricky Burdick
Department of Personnel
209 E. Musser Street, Room 300
Carson City, Nevada 89701

Dated this 20th day of November, 2008

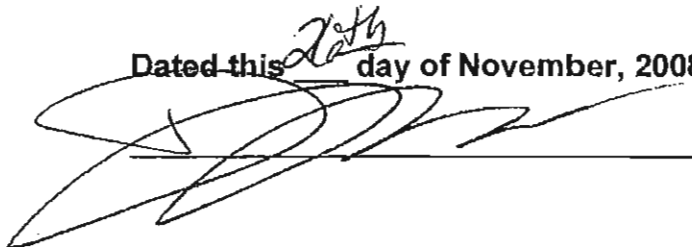


EXHIBIT 4

EXHIBIT 4

FRANK H. ROBERTS
Assistant General Counsel
University of Nevada, Reno
Nevada Bar No. 916
1664 N. Virginia Street/MS 550
Reno, Nevada 89557-0550
(775) 784-3492
(775) 327-2202--FAX
Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LANE GROW, an individual,
Plaintiff,

Case No.: 3:07-cv-00105-LRH-RAM

vs.

ADAM GARCIA, an individual, TODD
RENWICK, an individual, KEVIN
YOUNGFLESH, an individual, ED RINNE,
an individual,

AFFIDAVIT OF TODD RENWICK

Defendants.

STATE OF NEVADA)
WASHOE COUNTY) ss.

I, TODD RENWICK, do hereby swear under penalty of perjury that the assertions of this affidavit are true except as to those matters stated on information and belief, and that as to such matters I believe them to be true, as follows:

1. I am a Commander with the University of Nevada Police Services and a defendant herein.

2. During the time period of December 2002 through end of 2006, I was the Assistant Director for Police Services. During that time, I made a decision to allow sergeants to bid for their shifts by seniority, or in most cases let them work it out amongst themselves. In November or December 2006, Director Garcia made the decision to revert back to the language in General Order 09-001. Part of this reason was due to a dispute between (then) Sergeants Osowski and Conley

1 over who had seniority. This came to the Director's attention because Osowski and Conley went to
2 UNR Human Resource Office to have them resolve the dispute. Human Resources then in turn
3 contacted Director Garcia to explain how issues should be resolved when they involve seniority or
4 demotion.

5 3. I was asked by Director Garcia regarding the assignments of sergeants and why I was
6 not following General Order 09-001. I explained it was something I had allowed them to do as long
7 as they could work it out themselves, not knowing there was a dispute between Osowski and
8 Conley. The decision to enforce General Order 09-001 had nothing to do with the filing of (then)
9 Sergeant Grow's Federal Lawsuit or any activity by Grow.

10 4. During a supervisors meeting in November or December 2006, I communicated to the
11 Sergeants, including Grow and Osowski, which they would be allowed to stay on their previously
12 chosen shifts for the January 2007 rotation, but would have to go by the General Order after that.
13 To make it fair, I told them Sergeants would rotate their shifts in a clockwise rotation. Since July
14 2007, all rotations have been made in the same clockwise direction and all Sergeants were treated
15 equally.

16 5. I had not seen Plaintiff's Exhibit 15, a February 2, 2007 Memorandum from Plaintiff
17 Grow to Lieutenant Youngflesh about Sergeant Grow's attendance of LEEDA training, until April
18 2010 when it was made an Exhibit to Grow's Opposition to Defendants' Renewed Motion for
19 Summary Judgment. I do recall the LEEDA training. It was mandatory training for all supervisors in
20 UNRPD. Grow was a supervisor. LEEDA is an acronym for the FBI's "Law Enforcement Executive
21 Development Association."

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1 FURTHER AFFIANT SAYETH NAUGHT.

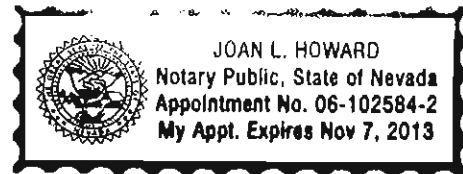
2 DATED this 27 day of April, 2010.

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5 
TODD RENWICK

6 SUBSCRIBED AND SWORN to before me

7 this 27th day of April, 2010 by

8 Todd Renwick.



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12 NOTARY PUBLIC
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EXHIBIT 7

EXHIBIT 7

1 **FRANK H. ROBERTS**
2 **Assistant General Counsel**
3 **University of Nevada, Reno**
4 **Nevada Bar No. 914**
5 **1664 N. Virginia St., M/S 550**
6 **Reno, Nevada 89512-0550**
7 **(775) 784-3495**
8 **(775) 327-2202**
9 ***Attorneys for Defendants***

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 □□□□□

13 **LANE GROW,**

No.: 3:07-CV-00105-LRH-RAM

14 **Plaintiff,**

AFFIDAVIT OF KEVIN
YOUNGFLESH

15 **vs.**

16 **ADAM GARCIA, an individual, TODD**
17 **RENEWICK, an individual, KEVIN**
18 **YOUNGFLESH, an individual, ED RINNE,**
19 **an individual,**

20 **Defendants.**

21 **STATE OF NEVADA**

ss.

22 **COUNTY OF WASHOE**

23 I, Kevin Youngflesh, do hereby swear under penalty of perjury that the assertions of
24 this affidavit are true and assert as follows:

25 1. I am a former Lieutenant in University of Nevada, Reno, Police Services
26 (UNRPD).

2. I was formerly a defendant in this action.

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4 3. I was terminated from my employment with UNRPD following the report by Sgt.
5 Conley of having picked me up from a bar in a patrol vehicle and comments which
6 he alleged I made concerning Plaintiff Grow. I appealed the termination, was
7 reinstated by order of the State Personnel Commission Hearing Officer, Bill
8 Kockenmeister, and then I resigned from my employment with UNRPD.
- 9 4. Regarding Plaintiff Grow's Exhibit 15 to Doc 159, a February 2, 2007 email to me,
10 I had requested all supervisors under my command to provide highlights of what
11 they had learned in the LEEDA training. Grow's Exhibit 15 email was his
12 compliance with my request as his superior. I received several other memos from
13 supervisors as per my request. Shortly after being promoted to Lt. I told all the
14 supervisors that when they were sent to training they needed to return and either
15 share the training with other department members, i.e. conduct a briefing training
16 class or provide study materials, or provide me with a memo summarizing the
17 training experience.

18 FURTHER AFFIANT SAYETH NAUGHT.

19 DATED this 26 day of April, 2010.

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KEVIN YOUNGFLESH

SUBSCRIBED and SWORN to before me,
this 26 day of April, 2010.

Delvin Jones
NOTARY PUBLIC

